

Terence D. Watson
Jennifer Daddio
Law Offices of Ira S. Sacks LLP
575 Madison Avenue
10th Floor
New York, NY 10022
(212) 605-0130

Objection Deadline: June 7, 2010
Reply Deadline: July 2, 2010
Hearing Date: July 22, 2010

Attorneys for Defendant
Invotec Engineering Inc.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re: : Chapter 11
: Case No. 05-44481 (RDD)
DELHI CORPORATION, *et al.*, :
: (Jointly Administered)
-----X
DELHI CORPORATION, *et al.*, : Adv. Proc. No. 07-02295 (RDD)
:
Plaintiffs, :
:
against :
:
INVOTEC ENGINEERING INC., :
:
Defendant. :
:
-----X

**JOINDER OF INVOTEC ENGINEERING INC. TO MOTIONS (I) TO VACATE PRIOR
ORDERS ESTABLISHING PROCEDURES FOR CERTAIN ADVERSARY
PROCEEDINGS, INCLUDING THOSE COMMENCED BY THE DEBTORS UNDER
11 U.S.C. §§ 541, 544, 545, 547, 548 OR 549, AND EXTENDING THE TIME TO SERVE
PROCESS FOR SUCH ADVERSARY PROCEEDINGS, AND (II) IN THE
ALTERNATIVE, DISMISSING THE ADVERSARY PROCEEDING
ON THE GROUNDS OF JUDICIAL ESTOPPEL**

Invotec Engineering Inc., by and through its undersigned attorneys, hereby joins and
adopts the arguments in the motions set forth below, and supplements and/or amends the facts set
forth in the motions as follows:

1. Delphi Corporation and certain affiliates (the “Debtors”) filed voluntary petitions for relief under Chapter 11 of Title 11 of the United States Code on October 8 and 14, 2005 (“Petition Dates”).

2. The Debtors filed the Preservation of Estate Claims Procedural Motion¹ on August 6, 2007. (Main Case Dkt. No. 8905).

3. The Debtors commenced the above-captioned adversary proceeding (the “Avoidance Action”) against Invotec Engineering Inc. (“Invotec”), under seal, on September 28, 2007. (Adv. P. Dkt. No.1).

4. The Debtors filed the Extension of Avoidance Action Service Deadline Motion on February 28, 2008. (Main Case Dkt. No. 12922). Such motion was filed in the Avoidance Action, without notice to Invotec, on February 29, 2008. (Adv. P. Dkt. No. 2).

5. On April 10, 2008, the Debtors filed the Supplemental Postconfirmation Extension of Avoidance Action Service Deadline Motion. (Main Case Dkt. No. 13361). Such motion was filed in the Avoidance Action, without notice to Invotec, on April 11, 2008. (Adv. P. Dkt. No. 4).

6. Invotec was not served with the summons and complaint (the “Complaint”) relative to the Avoidance Action until or about December 17, 2009 (Adv. P. Dkt. No. 11), which is over four (4) years after the Petition Dates and over two years after the expiration of the applicable statute of limitation. 11 U.S.C. §546(a).

7. Invotec filed an answer to the Complaint on March 10, 2010, which asserted, among other affirmative defenses, the expiration of the applicable statute of limitation and estoppel. (Adv. P. Dkt. No. 13).

¹ All undefined capitalized terms shall have the meanings ascribed to them in the Motions.

8. Based on all of the foregoing, Invotec Engineering Inc. hereby joins and adopts the arguments set forth in the:

- (i) Motion by Wagner-Smith Company Seeking an Order (i) Pursuant to Fed. R. Civ. P. 60 and Fed. R. Bankr. P. 9024, Vacating Prior Order Establishing Procedures for Certain Adversary Proceedings, Including Those Commenced by the Debtors Under 11 U.S.C. §§ 542, 544, 545, 547, 548 or 549, and Extending the Time to Serve Process for Such Adversary Proceedings, and (ii) Pursuant to Fed. R. Civ. P. 12(b) and Fed. R. Bankr. P. 7012(b), Dismissing the Adversary Proceeding With Prejudice, or (iii) in the Alternative, Dismissing the Adversary Proceeding on the Ground of Judicial Estoppel, dated February 5, 2010 (Docket No. 19401);
- (ii) Motion by Microchip Technology Incorporated Seeking an Order (i) Pursuant to Fed. R. Civ. P. 60 and Fed. R. Bankr. P. 9024 Vacating Prior Order Establishing Procedures for Certain Adversary Proceedings, Including Those Commenced by the Debtors Under 11 U.S.C. §§ 542, 544, 545, 547, 548 or 549, and Extending the Time to Serve Process for Such Adversary Proceedings, and (ii) Pursuant to Fed. R. Civ. P. 12(b) and Fed. R. Bankr. P. 7012(b), Dismissing the Adversary Proceeding With Prejudice, or (iii) in the Alternative, Dismissing the Adversary Proceeding on the Ground of Judicial Estoppel, dated March 15, 2010 (Docket No. 19677);
- (iii) Motion by Affinia Group Holdings, Inc., Affinia Canada Corp., and Brake Parts, Inc. to: (A) Vacate Certain Prior Orders of the Court: (B) Dismiss the Complaint with Prejudice; or (C) in the Alternative, to Dismiss the Claims Against Certain Defendants named in the Complaint and to Require Plaintiffs to File a More Definite Statement (Docket No. 19959); and
- (iv) Motion by Fin Machine Co. Ltd. Seeking an Order: (I) Pursuant to Fed. R. Civ. P. 60 and Fed. R. Bankr. P. 9024, Vacating Prior Orders Establishing Procedures for Certain Adversary Proceedings, Including Those Commenced by the Debtors Under 11 U.S.C. §§ 541, 544, 545, 547, 548, or 549, and Extending the Time to Serve Process for such Adversary Proceedings, (II) Pursuant to Fed. R. Civ. P. 12(b) and Fed. R. Bankr. P. 7012(b), Dismissing the Adversary Proceeding with Prejudice for Failure to State a Cause of Action Because it is Barred by the Two Year Statute of Limitations, (III) Pursuant to Fed. R. Civ. P. 12(b) and Fed. R. Bankr. P. 7012(b), Dismissing the Adversary Proceeding with Prejudice for Failure to State a Cause of Action Because it is Insufficiently Plead, (IV) Dismissing the Adversary Proceeding on the Ground of Judicial Estoppel, (V) Dismissing the Adversary Proceeding on the Ground of Laches, or (VI) in the Alternative, Pursuant to Fed. R. Civ. P. 12(e) and Fed. R. Bankr. P. 7012(e) Directing a More Definite Statement of the Pleadings (Docket No. 19982).

Dated: New York, New York
May 11, 2010

/s/ Terence D. Watson
Terence D. Watson
Jennifer Daddio
Law Offices of Ira S. Sacks LLP
575 Madison Ave., 10th Floor
New York, NY 10022
(212) 605-0130

*Attorneys for Defendant
Invotec Engineering Inc.*